No. 09-1207

In The

Supreme Court of the United States

JOSEPH P. CARSON,

Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,

Respondent.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Federal Circuit

PETITION FOR REHEARING

JOSEPH P. CARSON, PE
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865-300-5831

Pro Se

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ARGUMENT

By Supreme Court Rule 44.2, the grounds of this petition "shall be limited to intervening circumstances of a substantial or controlling effect."

Absent the Solicitor General informing Mr. Carson, in the relatively near future, that it supports this petition for rehearing and intends to file a response in acquiescence, if the Court grants this petition for rehearing and invites a response from the Solicitor General to his petition for certiorari, there are no grounds for the Court to grant this petition.

If the Solicitor General so informs Mr. Carson, he will file a supplemental brief, per Supreme Court Rule 15.8, to inform the Court of the "other intervening matter not (now) available."

Mr. Carson, and a number of others, are now trying to persuade the three members of the Merit Systems Protection Board, the Secretary of Energy, and the President to request the Solicitor General so inform Mr. Carson.

The fundamental purpose of the Civil Service Reform Act of 1978 was to create a statutory framework by which federal employees, in the Department of Energy and elsewhere, can perform their duties in a trustworthy – ethical, competent and accountable – fashion, per the merit system principles, while being adequately protected from reprisal and

other types of prohibited personnel practices.[1] Mr. Carson believes this case could, either directly and/or indirectly, significantly advance that purpose, but if the Solicitor General does not agree, then there is no reason to grant this petition for rehearing.

Respectfully submitted,

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[1] See Civil Service Reform Act of 1978, "Findings and Statement of Purpose," Section 3 of Pub. L. No. 95-454, codified in 5 U.S.C. § 1101 "endnotes." The Congressional Statement of "Findings and Statement of Purpose," Section 2 of the Whistle Blower Protection Act of 1989, Pub. L. No. 101-12, codified in 5 U.S.C. § 1201 "endnotes" amplified the importance of protecting federal employees from reprisal and other prohibited personnel practices.

CERTIFICATION

I hereby certify that this Petition for Rehearing is submitted in good faith and not for delay. This Petition for Rehearing is restricted to the grounds set out in Rule 44.2.

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Joseph P. Carson